

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

REGULAR SESSION MINUTES

June 16, 2015
6:00 PM
County Council Chambers

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building

CALL TO ORDER

Mr. Rush called the meeting to order at approximately 6:01 PM

INVOCATION

The Invocation was led by the Honorable Torrey Rush

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Torrey Rush

PRESENTATION OF PROCLAMATIONS

- a. **Mosquito Control Awareness Week Proclamation** – Mr. Rush presented Ms. Tammy Brewer with a proclamation in honor of Mosquito Control Awareness Week.
- b. **Proclamation Recognizing Leora McCarty for her years of service to Richland County** – Mr. Livingston presented Ms. McCarty with a proclamation in honor of her retirement from the Richland County Elections and Voter Registration Office.

APPROVAL OF MINUTES

Regular Session: June 2, 2015 – Mr. Washington moved, seconded by Ms. Dixon, to approve the minutes as submitted. The vote in favor was unanimous.

ADOPTION OF THE AGENDA

Mr. Manning moved, seconded by Mr. Manning, to adopt the agenda as published. The vote in favor was unanimous.



Council Members Present

Torrey Rush, Chair
Greg Pearce, Vice Chair
Julie-Ann Dixon
Norman Jackson
Damon Jeter
Paul Livingston
Bill Malinowski
Jim Manning
Seth Rose
Kelvin E. Washington, Sr.

Others Present:

Tony McDonald
Sparty Hammett
Warren Harley
Brandon Madden
Michelle Onley
Larry Smith
Beverly Harris
Amelia Linder
Laura Renwick
Tracy Hegler
Chad Fosnight
Kim Roberts
Daniel Driggers
Roxanne Ancheta

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REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS

Mr. Smith stated the following items were potential Executive Session Items:

- a. **An Ordinance Authorizing a ground lease between Richland County and Richland County School District Two on behalf of the Richland County Public Library; so as to allow for the automatic transfer of title to the library building to Richland County School District Two at the end of the lease term**

CITIZENS' INPUT

{For Items on the Agenda Not Requiring a Public Hearing}

Mr. Peter Palmer, Mr. Warren Shurlock, Ms. Helen Taylor Bradley, Ms. Lottie P. Wesley, Mr. Tom Mancke, and Ms. Jennifer Mancke

REPORT OF THE COUNTY ADMINISTRATOR

- a. **Transportation Summer Interns** – Mr. McDonald stated as a part of the agreement with the Program Development Team, an intern program was instituted for area students. The first class of interns introduced themselves to Council.
- b. **NACo Award: Development Services** – Mr. McDonald stated the Development Services Department was awarded the NACo Award for the redevelopment of processes in the department.
- c. **Cgov – Overall Excellence Award: Development Services** – Mr. McDonald stated the Development Services was awarded the Cgov Overall Excellence Award.

REPORT OF THE CLERK OF COUNCIL

- a. **Community Relations Council Luncheon & Award Presentation, June 17th, 12:00 PM, Columbia Metropolitan Convention Center** – Ms. Onley reminded Council of the Community Relations Council Luncheon & Award Presentation on June 17th at 12:00PM.

REPORT OF THE CHAIRMAN

- a. **Planning Commission Appointee Absences** – Mr. Rush stated he received a letter from the Planning Commission Chairman notifying Council that one of the Commissioners has missed 5 of 12 meetings, which automatically removes

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the Commissioner. The Planning Commission Chairman has requested Council waive enforcement of this provision due to the Commissioner's absences were justifiable due to illness and injury.

Mr. Pearce moved, seconded by Ms. Dixon, to waive enforcement of the Planning Commission's rule. The vote was in favor.

- b. **Innovista Project Groundbreaking** – Mr. Rush stated the groundbreaking for the Greene Street project, which is a partnership between the City of Columbia, University of South Carolina, and Richland County, was last week. The groundbreaking was well attended by Council members.

PRESENTATIONS

- a. **Lower Richland Sewer Project: Bill Stangler, Congaree Riverkeeper** – Mr. Stangler stated the Congaree Riverkeeper Organization is a grassroots, non-profit that works to protect the three rivers in the Midlands.
- In April 2013, the organization published the first "Dirty Half Dozen List" – a list of the worst polluters in the area
 - #1 on the "Dirty Half Dozen List" was the City of Columbia and #3 was Richland One School District for ongoing violations of the Clean Water Act
 - There has been a longstanding policy at the regional and State level to consolidate small wastewater treatment plants into larger regional facilities and systems
 - High bacteria levels and pollutants coming from wastewater in Cedar Creek
 - City of Columbia is under a Federal Consent Order to fix their broken wastewater system – \$750 million in the next 10 years
 - Lower Richland is designated as Conservation and Rural Land Use; therefore, there are strict rules about what can happen there
- b. **Lower Richland Sewer Project: Wendy Brawley, Hopkins and Lower Richland Citizens** – Ms. Brawley read a prepared statement from the Hopkins and Lower Richland Citizens regarding the Lower Richland Sewer System.

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OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Authorizing a ground lease between Richland County and Richland County School District Two on behalf of the Richland County Public Library; so as to allow for the automatic transfer of title to the library building to Richland County School District Two at the end of the lease terms – No one signed up to speak.**

APPROVAL OF CONSENT ITEM

- **15-20MA, Ashley Chason, RU to OI (3.7 Acres), 1551 Dutch Fork Rd., 02411-04-03 [THIRD READING]**
- **15-21MA, Deanna M. Shealy, RU to RS-LD (2.22 Acres), Island Trail, 01300-01-01/02 & 01400-01-02/03/04 [THIRD READING]**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Increasing the Number of Uses in the Light Industrial District (LI) [THIRD READING]**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 6, Buildings and Building Regulations; Article III, Building Codes; Section 6-84, Boarded-Up Structures; Subsection (d), Paragraph (1); so as to change the language, "The Permit Fee Shall be \$25.53 for Residential Buildings and \$51.05 for Mixed-Use and Commercial Buildings" to "The Permit Fee Shall be charged at the rate on the current Richland County Fee Schedule" [SECOND READING]**

Mr. Pearce moved, seconded by Mr. Manning, to approve the consent items.

The vote in favor was unanimous.

THIRD READING

An Ordinance Authorizing a ground lease between Richland County and Richland County School District Two on behalf of the Richland County Public Library; so as to allow for the automatic transfer of title to the library building to Richland County School District Two at the end of the lease term – Mr. Livingston moved, seconded by Mr. Manning, to approve this item.

Mr. Malinowski stated Sec. 11.5 – Dispute Resolution in the lease does not include Richland County.

Mr. Malinowski made a friendly amendment to add the County as a party to any dispute resolution.

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Mr. Smith stated any dispute that would affect the County's direct right to use and occupy the premises the County would be directly engaged in the process. As well as the County Council Chair would replace the Executive Director in the process.

Mr. Malinowski made a substitute motion, seconded by Ms. Dixon, to add the County as a party to any dispute resolution.

FOR

Dixon
Malinowski
Jackson
Rush

AGAINST

Rose
Pearce
Livingston
Washington
Manning
Jeter

The substitute motion failed.

FOR

Rose
Pearce
Rush
Livingston
Washington
Manning
Jeter

AGAINST

Dixon
Malinowski

The vote was in favor.

Mr. Manning moved, seconded by Mr. Livingston, to reconsider this item. The motion failed.

15-23MA, JR LEX 2, LLC, RU to RC (2.61 Acres), 7743 Bluff Rd., 32403-03-05 & 32403-03-06(p) – Mr. Jeter moved, seconded by Mr. Livingston, to approve this item.

FOR

Dixon
Malinowski
Rose
Pearce
Rush
Livingston
Jeter

AGAINST

Jackson
Washington
Manning

The vote was in favor.

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REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES

- a. **East Richland Public Service Commission – 2** – Mr. Malinowski stated the committee recommended advertising for these vacancies. The vote in favor was unanimous.
- b. **Accommodations Tax Committee – 1 (Applicant must have a background in the Cultural Industry)** – Mr. Malinowski stated the committee recommended advertising for this vacancy. The vote in favor was unanimous.

II. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Ordinance providing for the appointment of Ex Officio members to public bodies whose membership is appointed by the governing body of Richland County.**

The governing body of Richland County may appoint up to three (3) ex officio members to any board, commission, committee, entity or any other “public body” as defined in the South Carolina Freedom of Information Act whose members are appointed by the governing body of Richland County. Such ex officio members shall pursuant to Robert’s Rules of Order have all the privileges of board (or other public entity) membership, including the right to make motions and to vote and to participate in regular or special called meetings and executive sessions, but none of the obligations. Ex officio members have no obligation to participate and should not be counted in determining the number required for a quorum or whether a quorum is present at a meeting. When an ex officio member of any board, commission, committee, entity or any other public body ceases to hold the office that entitles him or her to such membership, his or her membership on the public body terminates automatically [WASHINGTON] – This item was held in committee.

OTHER ITEMS

A Resolution to appoint and commission Zachary M. Cavanaugh as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County – Mr. Pearce moved, seconded by Mr. Manning, to approve this item. The vote in favor was unanimous.

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REPORT OF SEWER AD HOC COMMITTEE

- a. **An Ordinance Amending the Richland County Code of Ordinances, Chapter 24, Utilities; Article IV, Sewers and Sewage Disposal; Division 2, Use of Public Sewers; Section 24-81, Use of Public Sewers Required; so as to clarify that the section only applies to new construction [THIRD READING]** – Mr. Washington stated the changes recommended by the Sewer Ad Hoc Committee have been made to the ordinance and the committee recommends approval.

Mr. Malinowski stated the definition for new construction was not included in the ordinance.

Mr. McDonald stated the new language in the ordinance strikes the language related to new construction.

Mr. Peterson outlined the changes to the ordinance: (1) DHEC is the primary agency responsible for septic systems; (2) the new construction language was removed from the ordinance; and (3) DHEC requirements would apply; therefore, application for new septic system or the repair of a septic system would fall under the DHEC regulations rather than the County.

The vote in favor was unanimous to approve the committee's recommendation.

1. **Septic tanks that are functioning properly should not be disallowed in Richland County. Direct staff to contact DHEC to determine why a septic that needs maintenance or repair is not allowed to be done if a public sewer is within 200 feet of the property. Property owners should not be forced to incur expenses that will burden them for years to come and replacement septic system should be allowed provided it is shown the new system can function properly [MALINOWSKI]** – This was addressed in the motion above.

Mr. Jackson moved, seconded by Ms. Dixon, to reconsider this item. The motion failed.

CITIZENS' INPUT

Ms. Helen Taylor Bradley spoke regarding the voting on the record, the order of the agenda, and the title of the Third Reading Ordinance "An Ordinance Amending the Richland County Code of Ordinances, Chapter 24, Utilities; Article IV, Sewers and Sewage Disposal; Division 2, Use of Public Sewers; Section 24-81, Use of Public Sewers

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Required; so as to clarify that the section only applies to new construction” still contains the wording “new construction” although it was stricken from the ordinance.

Ms. Lottie P. Wesley spoke about learning from past mistakes.

MOTION PERIOD

- a. **Motion to recognize Deputy Trobatin Johnson for his heroism and unselfish acts by jumping in to Pinewood Lake to save the lives of two citizens when their boat capsized. [JACKSON]** – Mr. Jackson moved, seconded by Mr. Washington, to adopt the resolution for Deputy Johnson. The vote in favor was unanimous.
- b. **Move that Council request the legal department to review the potential liability of permitting any form of human occupied watercraft to operate at Pinewood Lake Park and make a recommendation to Council as to their findings [PEARCE]** – This item was referred to the D&S Committee.

ADJOURNMENT

The meeting adjourned at approximately 7:10PM.

Torrey Rush, Chair

Greg Pearce, Vice-Chair

Joyce Dickerson

Julie-Ann Dixon

Norman Jackson

Damon Jeter

Paul Livingston

Bill Malinowski

Jim Manning

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Seth Rose

Kelvin E. Washington, Sr.

The Minutes were transcribed by Michelle M. Onley, Deputy Clerk of Council

